

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. ) 2:10-CR-426-ECR (LRL)  
 )  
 EMERSON ZAPOTOSKY, )  
 )  
 Defendant. )

On January 12, 2011, the United States District Court for the District of Nevada entered a Preliminary Order of Forfeiture pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2); Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section 2461(c), based upon the plea of guilty by defendant EMERSON ZAPOTOSKY to a criminal offense, forfeiting specific property alleged in the Indictment and shown by the United States to have the requisite nexus to the offense to which defendant pled guilty. Indictment, ECF No. 1; Minutes of Change of Plea Proceedings, ECF No. 19; Plea Memorandum, ECF No. 20; Preliminary Order of Forfeiture, ECF No. 22.

On July 18, 2011, BRIAN PATRICK SCHWALM was personally served with the Preliminary Order of Forfeiture and the Notice. Notice of Filing Service of Process, ECF No. 28.

1 Contact attempt telephone calls were made to Mr. Schwalm on August 16, 2011, and on September  
2 2, 2011, by the Forfeiture Unit of the United States Attorneys Office with no return.

3 On May 31, 2012, the Petition, Stipulation for Return of Property, and Order was filed with  
4 the Court. Petition, Stipulation for Return of Property, and Order, ECF No. 31. On June 1, 2012, the  
5 Court entered the Order granting the Petition. Order granting Petition, Stipulation for Return of  
6 Property, ECF No. 32.

7 This Court finds no other petition was filed herein by or on behalf of any person or entity and  
8 the time for filing such petitions and claims has expired.

9 This Court finds no petitions are pending with regard to the assets named herein and the time  
10 for presenting such petitions has expired.

11 THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that all right,  
12 title, and interest in the property hereinafter described is condemned, forfeited, and vested in the  
13 United States of America pursuant to Fed. R. Crim. P. 32.2(b)(4)(A) and (B); Fed. R. Crim. P.  
14 32.2(c)(2); Title 18, United States Code, Section 924(d)(1) and Title 28, United States Code, Section  
15 2461(c); and Title 21, United States Code, Section 853(n)(7) and shall be disposed of according to  
16 law:

- 17 a. a Taurus 45LC/410GA handgun, serial number CT848647; and  
18 b. any and all ammunition.

19 The Clerk is hereby directed to send copies of this Order to all counsel of record and  
20 three certified copies to the United States Attorney's Office.

21 DATED this 5th day of June 2012.

22   
23 UNITED STATES DISTRICT JUDGE  
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